

SUBJECT: ELECTION CYCLE CONTRIBUTION LIMITS

SUMMARY:

A person may contribute \$1,000 to a candidate for local office who is opposed in a primary election. A person may contribute another \$1,000 during the general election, even if there is no general election opposition. If a candidate has only general election opposition, a maximum of \$1,000 may be contributed.

QUESTION:

The Chairman of the South Carolina Alliance for Legislative Education questions the contribution limits as they apply to local candidates who may be opposed and/or unopposed in the primary and general elections.

DISCUSSION:

This opinion is rendered in response to a letter dated September 29, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-1314(A) provides in part as follows:

Within an election cycle, no candidate or anyone acting on his behalf may solicit or accept:

(1) a contribution which exceeds:

\* \* \*

(b) one thousand dollars in the case of a candidate for any other office...

Election cycle is defined in Section 8-13-1300(10) as:

"Election cycle" means the period of a term of office beginning on the day after the general election for the office, up to and including the following general election for the same office, including a primary, special primary, or special election; however, the contribution limits under Sections 8-13-1314 and 8-13-1316 apply only to elections occurring on or after January 1, 1992, and are for each primary, runoff, or special election in which a candidate has opposition and for each general election. If the candidate remains unopposed during an election cycle, one contribution limit

shall apply.

Thus, a local candidate who has primary opposition may accept up to \$1,000 during the primary election campaign and may accept another \$1,000 during the general election campaign. However, if a local candidate has only general election opposition, the candidate may only accept a maximum contribution of \$1,000.